

# Public Hearing

## Proposed Amendments to the State Energy Conservation Code Regulations



December 3, 2019

# Agenda

Introductions

Regulation Promulgation Schedule

Summary of Proposed Regulations

Entry of Department Exhibits into the Record

Public Comments



# Regulation Promulgation Schedule

- ▶ Publication of proposed amendment: November 1, 2019
- ▶ Legal Notice: November 10, 2019
- ▶ Public Hearing: December 3, 2019
- ▶ Hearing Record Closes: December 18, 2019
- ▶ Publication of final regulations: Spring 2020 (anticipated)
- ▶ New codes take effect: six months after promulgation



# Current Delaware Energy Conservation Codes

- ▶ 2012 International Energy Conservation Code (IECC) with Delaware-specific amendments and ASHRAE Standard 90.1-2010
- ▶ DNREC is directed by Delaware's Energy Conservation Code Act to consider the most recent and/or highest available version of the IECC and ASHRAE standard on a triennial basis



# Proposed Regulation

- ▶ Updating the statewide energy conservation code has been under consideration since January 2017.
- ▶ The Department is proposing to adopt by reference the 2018 IECC and ASHRAE 90.1-2016.
- ▶ To reach this proposal, Department staff considered input from:
  - ▶ Delaware Energy Code Coalition and other stakeholders
  - ▶ The Department's technical consultant
  - ▶ Regional and national technical experts including U.S. DOE staff



# Department Exhibits

The Department is submitting a binder comprised of 17 exhibits into the record for these proceedings:

- Exhibit 1 Start Action Notice 2019-04 *Regulations for State Energy Conservation Code*, signed on April 4, 2019.
- Exhibit 2 Delaware Energy Code Coalition meeting agendas from March 22, 2017 through January 23, 2019 where the 2015 International Energy Conservation Code (IECC), 2018 IECC, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2013, and ASHRAE 90.1-2016 were evaluated and discussed with Delaware stakeholders.
- Exhibit 3 Comments received by the Department between January 2017 and February 2019 from stakeholders sharing their opinions on updating the statewide energy conservation code.
- Exhibit 4 Memorandum from Matt Socks, Optimal Energy, Inc (Department technical consultant) to Robert Underwood, DNREC DCCE, dated March 20, 2019 analyzing the cost and energy impacts associated with adopting the 2018 IECC without weakening the air tightness requirements in the Code.
- Exhibit 5 Copy of the “Preliminary Energy Costs and Savings Estimates: 2018 IECC Residential Requirements” (PNNL-28650), published April 2019 by the U.S. Department of Energy’s Pacific Northwest National Laboratory (PNNL).



# Department Exhibits – Continued

The Department is submitting a binder comprised of 17 exhibits into the record for these proceedings:

- Exhibit 6                      Memorandum from Matthew Tyler, U.S. DOE PNNL, to Jessica Quinn, DNREC DCCE, dated October 2, 2019 regarding the preliminary results of the U.S. DOE’s cost-effectiveness study for ASHRAE Standard 90.1-2016 for the State of Delaware.
- Exhibit 7                      Memorandum from Z. Todd Taylor, U.S. DOE PNNL, to Jessica Quinn, DNREC DCCE, dated October 3, 2019 titled “Preliminary Cost-Effectiveness of the 2018 IECC for the State of Delaware.”
- Exhibit 8                      Copy of the State Energy Code Tracking Table published by Northeast Energy Efficiency Partnerships (NEEP) showing the status of Energy Code adoption in the Mid-Atlantic and Northeast states, updated October 2019.
- Exhibit 9                      Notice of this public hearing as it appeared on the State of Delaware Public Meetings Calendar, posted November 1, 2019.
- Exhibit 10                     Copy of the legal notice regarding the proposed amendments to 7 Del. Admin. C. §2101 *Regulations for State Energy Conservation Code* as posted at the main entryways of DNREC’s Richardson & Robbins Building.



# Department Exhibits – Continued

The Department is submitting a binder comprised of 17 exhibits into the record for these proceedings:

- Exhibit 11 Copy of the legal notice regarding the proposed amendments to 7 Del. Admin. C. §2101 *Regulations for State Energy Conservation Code* as posted on DNREC's public notices website starting on November 10, 2019.
- Exhibit 12 Copy of a November 6, 2019 email from Jessica Quinn, DNREC DCCE sent bcc to Individuals on the State Energy Conservation Code regulations Interested Parties List and the Delaware Energy Code Coalition members, which included information from the legal notice on the public hearing and procedures for submitting public comments on this matter.
- Exhibit 13 Affidavit of Publication, Delaware State News, dated November 10, 2019 for the legal notice advertising the December 3, 2019 Public Hearing on the proposed amendments to the *Regulations for State Energy Conservation Code*.
- Exhibit 14 Affidavit of Publication, The News Journal, dated November 10, 2019 for the legal notice advertising the December 3, 2019 Public Hearing on the proposed amendments to the *Regulations for State Energy Conservation Code*.
- Exhibit 15 Copy of the Register Notice, proposed strikethrough language, and Regulatory Flexibility Analysis and Impact Statement Form as it appeared in the November 1, 2019 *Delaware Register of Regulations*, Vol. 23, Issue 5, pp 363-366.



# Department Exhibits – Continued

The Department is submitting a binder comprised of 17 exhibits into the record for these proceedings:

- Exhibit 16                      Comments on proposed regulation as published in the November 1, 2019 *Delaware Register of Regulations*, received through December 3, 2019.
- Exhibit 17                      The Department Powerpoint presentation for the December 3, 2019 public hearing on *Regulations for State Energy Conservation Code*.



# Public Comment

We will now begin the public comment portion of the hearing.



# Comment Timer

3 minutes per person

